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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,072	06/29/2000	Topi Kaaresoja	975.308USW1	7855

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EXAMINER

NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2661

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DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/607,072

Applicant(s)

KAARESOJA, TOPI

Examiner

Brian D Nguyen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. Page 8, line 21, it is suggested to change "The BTS 1" to ---The BTS 2---.

### ***Drawings***

2. New drawing for Figure 1 is required in this application because of insufficient quality

### ***Claim Objections***

3. Claims 6-7 are objected to because of the following informalities:

Claim 6, lines 2-3, "the receiving end of the uplink transmission" seems to refer back to "a receiving end of the uplink transmission" in line 3 of claim 5. If this is true, it is suggested to change "A method according to claim 4" in line 1 of claim 6 to ---A method according to claim 5---.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2661

Claim 7, lines 3 and 7, "the receiving end" is unclear whether the applicant is referring to "the receiving end of the uplink transmission" in line 2 of claim 6 or "a receiving end of the downlink transmission" in line 3 of claim 2.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strawczynski et al (6,138,022) in view of Lehtimaki (5,991,716).

Regarding claims 1-3, 5, and 8-11, Strawczynski discloses a method for use in a GSM system in which ATM cells are transmitted between a transcoder and a base transceiver (see figure 3; col. 9, lines 4-11). Strawczynski does not specifically disclose performing a downlink transmission of an ATM cell each time a predetermined number of signal frames indicating a speechless period have been supplied; and performing an uplink transmission of an ATM cell only when a signal frame indicating a useful information has been supplied. However, Lehtimaki discloses that a transmission on the downlink will be interrupted for a predetermined period of time and on the uplink direction, the transmission is performed when useful information has been supplied (see col. 6, line 36-col. 7, line 63). In addition, it is well known in the art that when there is no data to be transmitted, the transmitter operates in a low power and frames are transmitted at reduced intervals to save power and to keep the system in synchronization. These

Art Unit: 2661

well known features are also described in the Background of the Invention. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the technique of transmitting frames (ATM cells) at reduced intervals as taught by Lehtimaki in the system of Strawczynski in order to reduce the system power consumption.

Regarding claims 4 and 6-7, Strawczynski in view of Lehtimaki does not specifically disclose the use of a counter to count the number of speechless period has been received. However, in order to determine the time to transmit the next ATM cell, such as 480 ms, a counter is needed. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a counter to count the time so that an ATM cell will be transmitted at the predetermined time interval during the time where no useful information is available for transmission.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Davis et al (5,835,486), Lehtimaki (5,991,716), Virtanen (6,035,179), Navaro (6,108,560), and Koistinen et al (6,308,063).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133.

The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

Art Unit: 2661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian Nguyen  
3/6/04